

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 22-cv-22671-CMA

DELIO BATISTA, CARLOS LOPEZ, Miami, Florida
MARIANA LOPEZ and RAFAELA
VALIENTE, July 14, 2023

Plaintiffs, 2:20 p.m. to 2:31 p.m.

vs. Courtroom 13-3

AVANT ASSURANCE, INC., (Pages 1 to 10)
REINIER CORTES and ANDREA
GONZALEZ QUINTERO,

Defendants.

JURY TRIAL - DAY 5
BEFORE THE HONORABLE CECILIA M. ALTONAGA,
CHIEF UNITED STATES DISTRICT JUDGE

APPEARANCES:

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I N D E X

WITNESSES

<u>WITNESSES FOR THE PLAINTIFFS:</u>	<u>Page</u>
	--

<u>WITNESSES FOR THE DEFENDANTS:</u>	<u>Page</u>
	--

EXHIBITS

<u>EXHIBITS IN EVIDENCE</u>	<u>IDENTIFIED</u>	<u>ADMITTED</u>
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MISCELLANEOUS

	<u>Page</u>
Proceedings.....	4
Verdict.....	4
Court Reporter's Certificate.....	10

Verdict
July 14, 2023

4

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

1 (The following proceedings were held at 2:20 p.m.)

2 COURT SECURITY OFFICER: All rise.

3 THE COURT: You may be seated. We're just waiting on
4 the Defendants.

5 (Pause in proceedings.)

6 THE COURT: Nice to see everyone.

7 The jury has reached a verdict. Any questions before
8 I bring the jury out?

9 ALL PARTIES: No, Your Honor.

10 THE COURT: All right. Let's bring the jury out.

11 COURT SECURITY OFFICER: All rise for the jury,
12 please.

13 (The jury entered the courtroom at 2:21 p.m.)

14 THE COURT: Good afternoon, ladies and gentlemen.
15 Nice to see you again.

16 Everyone, please be seated.

17 It's my understanding that the jury has reached a
18 verdict. I would ask the foreperson to hand the courtroom
19 deputy the verdict form, please.

20 (Pause in proceedings.)

21 THE COURT: There are no errors or omissions in the
22 filling out of the verdict form. I will publish the verdict at
23 this time.

24 VERDICT

25 THE COURT: In *Batista vs. Avant Assurance, Inc.*, do

Verdict
July 14, 2023

5

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

1 you find from a preponderance of the evidence as to Delio
2 Batista, No. 1, that Delio Batista was an employee under FLSA?
3 Answer: No as to Avant, no as to Reinier Cortes and no as to
4 Andrea Gonzalez Quintero.

5 No. 3, that Defendant Avant Assurance, Inc., failed to
6 pay Delio Batista bonuses and/or commissions in breach of the
7 parties contract. Answer: Yes. If yes, in what amount?
8 \$54,511.

9 As to Carlos Lopez, No. 5, that Carlos Lopez was an
10 employee under the FLSA as to Avant, no; Reinier Cortes, no;
11 Andrea Gonzalez Quintero, no.

12 No. 7, that Avant Assurance, Inc., failed to pay
13 Carlos Lopez bonuses and/or commissions in breach of the
14 parties' contract. Answer: Yes. If yes, in what amount?
15 \$38,957.

16 Mariana Lopez, No. 9, that Mariana Lopez was an
17 employee under the FLSA of Avant Assurance, no; Reinier Cortes,
18 no; Andrea Gonzalez Quintero, no.

19 No. 11, that Avant Assurance, Inc., failed to pay
20 Mariana Lopez in bonuses and/or commissions in breach of the
21 parties' contract. Answer: Yes. If yes, in what amount?
22 \$15,576.

23 Rafaela Valiente, No. 13, that Rafaela Valiente was an
24 employee under the FLSA of Avant Assurance, no; Reinier Cortes,
25 no; Andrea Gonzalez Quintero, no.

Verdict
July 14, 2023

6

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

1 No. 15, that Avant Assurance, Inc., failed to pay
2 Rafaela Valiente bonuses and/or commissions in breach of the
3 parties' contract. Answer: Yes. If yes, in what amount?
4 \$68,120.

5 So say we all, signed and dated by the jury
6 foreperson.

7 I'll ask counsel for the parties to come up and review
8 the jury questionnaire interrogatories and let me know if there
9 are any issues that you see.

10 Warren.

11 THE COURTROOM DEPUTY: Yes, Judge.

12 (Pause in proceedings.)

13 MR. POLLOCK: If I could just have one second.

14 (Pause in proceedings.)

15 MR. POLLOCK: Okay. Just wanted to make sure. I see
16 no errors.

17 THE COURT: Thank you. Thank you.

18 Ladies and gentlemen, I wish to thank you for -- I'm
19 sorry.

20 Do counsel for either the Plaintiffs or the Defendants
21 desire the jury to be polled?

22 MR. POLLOCK: Yes, Your Honor.

23 THE COURT: All right.

24 Ladies and gentlemen, at this time, the courtroom
25 deputy will ask each of you individually whether or not this is

Verdict
July 14, 2023

7

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

1 your verdict. Please answer out loud.

2 THE COURTROOM DEPUTY: Juror Pauline Reid, is this
3 your true and correct verdict?

4 JUROR NO. 2: Yes.

5 THE COURTROOM DEPUTY: Juror Denis Roa, is this your
6 true and correct verdict?

7 JUROR NO. 3: Yes.

8 THE COURTROOM DEPUTY: Juror Oscar Alecio, is this
9 your true and correct verdict?

10 JUROR NO. 4: Yes.

11 THE COURTROOM DEPUTY: Juror Anthony Munne, is this
12 your true and correct verdict?

13 JUROR NO. 5: Yes.

14 THE COURTROOM DEPUTY: Juror Allison Jara, is this
15 your true and correct verdict?

16 JUROR NO. 6: Yes.

17 THE COURTROOM DEPUTY: Juror Nicholas Hoogenbergen, is
18 this your true and correct verdict?

19 JUROR NO. 7: Yes.

20 THE COURTROOM DEPUTY: Juror Vicente Quiroa Carrera,
21 is this your true and correct verdict?

22 JUROR NO. 8: Yes.

23 THE COURTROOM DEPUTY: They all answered
24 affirmatively, Judge.

25 THE COURT: Thank you.

Verdict
July 14, 2023

8

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

1 Ladies and gentlemen, I wish to thank you for the time
2 and the careful consideration you have given this case. I also
3 wish to advise you of some special privileges enjoyed by
4 jurors.

5 For hundreds of years, our society has relied upon
6 juries for the consideration of difficult cases, and we have
7 recognized that a jury's deliberations, discussions and votes
8 should remain the jury's private affair for as long as it
9 wishes. You are certainly at liberty now to speak to anyone
10 about this case. You continue to be at liberty to refuse to
11 speak to anyone.

12 A request may come from those who are simply curious
13 or those who might seek to find fault of you, so I leave it up
14 to each of you individually to decide whether or not to
15 preserve your privacy as jurors. I will add that the parties
16 and the attorneys in this case cannot have any contact with
17 you.

18 My courtroom deputy will follow you into the jury room
19 one last time. He will be passing out forms from our jury pool
20 section showing the days that you have been with us. Some of
21 you may need those forms to show your employers. He will also
22 pass out some certificates that I have signed, thanking you
23 once more and more formally for your service.

24 We will gather together any notes or materials in the
25 jury room. You don't need to be concerned with that.

Verdict
July 14, 2023

9

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

1 You have a very nice weekend. Thank you, again.

2 COURT SECURITY OFFICER: All rise for the jury,
3 please.

4 (The jury exited the courtroom at 2:29 p.m.)

5 THE COURT: Please be seated.

6 So we'll be entering a final judgment awarding
7 Plaintiffs the damages indicated on the breach of contract
8 claim against Avant Assurance and only on that claim.

9 I would ask Plaintiffs to wait to get your USB drive
10 back. It's still with the jury.

11 Are there any questions?

12 MR. CUETO: No, Your Honor.

13 MR. TROPP: Just -- just to make sure, Judge, the USB
14 claim -- I mean the USB charts, do you think I could just take
15 a look at it, please?

16 The USB. I'll look at it to --

17 THE COURT: I'll let you gentlemen stay and look at
18 it. If there's nothing else --

19 MR. POLLOCK: That's it.

20 THE COURT: All right. The case is concluded at this
21 point, and you all have a nice weekend. Thank you.

22 MR. CUMMINGS: Thank you, Your Honor.

23 COURT SECURITY OFFICER: All rise.

24 (The proceedings concluded at 2:31 p.m.)
25

July 14, 2023

Delio Batista, et al. v. Avant Assurance, Inc., et al., 22-cv-22671-CMA

C E R T I F I C A T E

I hereby certify that the foregoing is an
accurate transcription of the proceedings in the
above-entitled matter.

09/07/2023
DATE



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